

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

CERTIFICATE OF FACSIMILE

I hereby certify that this correspondence is being forwarded via facsimile to the attention of Susan Thompson at the Board of Patent Appeals and Interferences at facsimile number 703-308-7953 on this 12th day of November 2003.


Bryan K. Wheelock
Registration No. 31,441

Application No.: 09/292,096
Filing Date: April 14, 1999
Applicant: Garibaldi, et al.
Appeal No. 2003-1411
Attorney Docket: 5236-000108

LETTER REQUESTING RESCHEDULING OF HEARING DATE

Appellant hereby requests that the Board of Patent Appeals and Interferences reschedule the hearing currently set for December 10, 2003 at 1:00 p.m. In support thereof, Applicant states as follows:

1. Within days after filing on October 19, 2003 the Hearing Attendance Confirmation for this hearing, the attorney for Appellant was notified of a speaking engagement scheduled for the same day in St. Louis. The undersigned had previously agreed to speak at this engagement prior to the setting of the date. The seminar at which the attorney will be speaking lasts all day and is scheduled through the International Trademark Association and therefore cannot be rescheduled.

2. The undersigned is the only attorney who has worked on the instant application and therefore has the best knowledge of the facts of the case. He is also one of only three attorneys asked to speak at the conflicting engagement.

3. Since the speaking engagement lasts all day, the attorney cannot be available to conduct the hearing by telephone. Further, the applicants want a face-to-face hearing on the matter.

In view of the aforementioned circumstances, Appellant respectfully requests that the hearing date be rescheduled from December 10, 2003.

Respectfully submitted,

Dated: November 12, 2003

By: 

Bryan K. Wheelock
Reg. No. 41,331

HARNESS, DICKEY & PIERCE, P.L.C.
7700 Bonhomme, Suite 400
St. Louis, MO 63105
(314) 726-7500 (telephone)
(314) 726-7501 (facsimile)

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